



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,307	02/19/2004	Jerry Randall Rue	20630.001	7634

42922 7590 09/19/2005

WHITAKER, CHALK, SWINDLE & SAWYER, LLP
3500 CITY CENTER TOWER II
301 COMMERCE STREET
FORT WORTH, TX 76102-4186

EXAMINER

LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,307

Applicant(s)

RUE, JERRY RANDALL

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Group I. Claims 2-4, and 26-34 are, drawn to a motor able to create a maximum cutting angle of four degrees normal to the table, classified in class 83, subclass 401.
- Group II. Claims 5 and 35-47 are, drawn to a blade guide assembly, classified in class 30, subclass 392.
- Group III. Claims 6 and 7 are, drawn to a table frame, classified in class 144, subclass 286.1.
- Group IV. Claims 8-12 are, drawn to collapsible legs or removable sawhorses, classified in class 403, subclass 83.
- Group V. Claim 19 is, drawn to a cammed lever latch, classified in class 403, subclass 322.4.
- Group VI. Claim 20 is, drawn to motor mounting means, classified in class 403, subclass 52.
- Group VII. Claim 25 is, drawn to a type of saw blade, classified in class 83, subclass 846.
- Group VIII. Claims 35-38 are, drawn to blade guide support structure, classified in class 83, subclass 859.
- Group IX. Claims 39-47 are, drawn to the blade guide structure, classified in class 83, subclass 821.

2. The inventions are distinct, each from the other because of the following reasons: Claims 1, 13-18, and 21-24 will be examined if any of Group I-VII is elected. Claim 5 will also be examined if any of group VIII-IX is elected.

Claim 1 links inventions of Groups I-VII, and claim 5 links inventions of Groups VIII-IX. The restriction requirement of the linked inventions is subject to the nonallowance of the linking claim(s), claims 1 and 5. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Inventions of Groups I-IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. For example, the device of Group I could be used without the blade guide apparatus set forth in Group II, and conversely, the device of Group II could be without a motor mount set forth in Group I. A second example shows the device of Group III could have a different blade guide system than set forth in

Group II, and conversely, the device of Group II does not require the specific table frame set forth in Group III. See MPEP § 806.05(d).

There is an excessive burden on the office to examine all of these inventions together, as shown by their search. See MPEP 808.02(C). For example, the device of Group I will need to be searched in class 83, subclass 401, along with a unique text search. Group III would not be searched as above, but would instead be searched in class 144, subclass 286.1 accompanied by a different text search. The other Groups are also unique and would require separate searches.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. This application contains claims directed to the following patentably distinct species of the claimed invention:

Regardless of which Group is elected,

- a) A lever mechanism for the blade chuck.
- b) A rotating collar mechanism for the blade chuck.

If Group I is elected,

- a) Securing the motor mount to the mounting plate using machine screws.

- b) Securing the motor mount to the mounting plate using a quick release mechanism.

The applicant is further required to elect one of the following species:

- 1) A foot disposed on the second side of the mounting plate.
- 2) A shoe disposed on the second side of the mounting plate.

If Group IV is elected,

- a) Worktable having collapsible legs.
- b) Worktable supported by sawhorses.

If Group VIII is elected,

- a) Blade guide being slideably supported on a cantilevered support arm attached to the work table and disposed to one side of the path of a workpiece.
- b) Blade guide being slideably adjustable along a shaft parallel to the reciprocating axis of the elongated blade.
- c) Blade guide being supported from a blade-shaped member attached to the work table, disposed in the same plane as the elongated blade.

If Group IX is elected,

- a) Blade guide structure comprising a rectangular guide block that limits the sideways displacement of the elongated saw blade during a cutting operation on the work piece.

b) Blade guide structure that uses dowel pins to restrain the elongated blade from being displaced sideways as the work piece is being sawed, claims.

c) Blade guide structure that uses bearing surfaces to restrain the elongated blade from being displaced sideways as the work piece is being sawed.

6. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1 is generic.

7. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

8. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

9. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the


case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL 
9/6/2005


Allan N. Shoap
Supervisory Patent Examiner
Group 3700